



March 4, 2003

Vice President for  
Administration and Finance  
105 Anderson Hall  
Manhattan, KS 66506-0116  
785-532-6226  
Fax: 785-532-6693

Mr. Tony Spaar  
Department of the Army  
Sunflower Army Ammunition Plant  
PO Box 640  
DeSoto, KS 66018-0640

Dear Mr. Spaar:

This letter is written in response to the Public Notice placed in the *Kansas City Star* on Friday, February 14, 2003. That public notice states that the federal government intends to transfer all real property of the Sunflower Army Ammunition Plant near DeSoto to a duly authorized agency of the State of Kansas for subsequent conveyance to a private developer for mixed-use general development. We understand the developer may be Kessinger/Hunter & Co., L.C.

As you are aware, Kansas State University is one of four recognized public benefit transferees at the Sunflower Army Ammunition Plant. We feel it is important that we reiterate that Kansas State University first began leasing a parcel at the Sunflower Army Ammunition Plant in the Spring of 1993. A 335-acre portion of the Sunflower Army Ammunition Plant located in the southeast portion of that plant was identified that spring and on August 15, 1993 the proposal for developing a Horticulture, Forestry Research/Education Center at the Sunflower Army Ammunition Plant was submitted to the Department of Defense. Through the work of your predecessor at the plant and the Army Corps of Engineers, K-State was granted a long-term lease to develop our designated site as a Plant Material Research Center.

We have worked diligently with the Department of Defense as we have developed our Plant Material Research Center. We have had our 335 acres surveyed to legally identify our boundaries. We have installed chain-link fencing (meeting Department of Defense standards) to keep people from leaving our Research Center property and moving to the rest of the Sunflower Army Ammunition Plant. As requested by the DOD, we have conducted professional archeological surveys of our site. A Kansas Army National Guard engineer battalion was on our site as a military training exercise to develop our field access roads, irrigation ponds and provide clearing and leveling for our preliminary building site. We have done everything asked of us by the Army, Department of Defense and staff of the Sunflower Army Ammunition Plant.

At the time the Sunflower Army Ammunition Plant was listed as excess property, we worked with the Plant staff to submit our request to the Department of Education for public benefit transfer approval (December, 1998). The Department of Education approved a "no-cost" transfer of the 335 identified acres to Kansas State University for on-going educational research efforts in 1999.

We currently have three full-time faculty and a director of field operations assigned to this Research Center. We are adding a fourth full-time faculty member to the Center next fall. On-

MAR 05 2003



THE LEAGUE  
OF WOMEN VOTERS  
OF JOHNSON COUNTY, KANSAS

March 13, 2003

Mr. Tony E. Spaar  
Commander's Representative  
Sunflower Ammunition Plant  
Department of the Army  
P.O. Box 640  
DeSoto, KS 66018-0640

Re: FOSET, Sunflower Army Ammunition Plant, DeSoto, Kansas

Dear Mr. Spaar:

We are writing to express our concern over the proposed early transfer of the Sunflower Ammunition Plant to the State of Kansas, which intends to convey the property to a private developer.

Does the Kansas Department of Health & Environment have the resources to oversee a clean-up of this magnitude and ensure that future uses of the site adequately protect human health and environment? Will Kansas taxpayers ultimately be left paying for remediation that should have come from federal coffers? Given the wide variety of toxic substances that have been found on the site, the extent of which may not yet be fully delineated, what will it cost to adequately clean up the site?

These are significant questions. Cost estimates to remediate the Sunflower site have ranged from \$ 40 million for industrial uses to \$130 million. In fact, to our knowledge the public has seen no firm cost estimate based on the uses contemplated in the Johnson County Comprehensive Land-Use Plan.

The League of Women Voters of Johnson County recently completed a study of the issues presented by the Sunflower Ammunition Plant. The League concluded that, while it is appropriate that the County exercise its jurisdiction over the property for zoning and land-use purposes, there should be significant and broad-based citizen input into the planning process for future development of the Sunflower Ammunition Plant. Moreover, before a transfer takes place, taxpayers should have a guarantee that the site will be remediated to the highest level – residential use – before development. Remediation work should be protective of air and water quality for humans and wildlife, both on and off the site.

P.O. Box 13491 Shawnee Mission, KS 66282

MAR 17 2003

League members concluded that all undisturbed and uncontaminated areas of the site should be preserved as natural wildlands, with public access but only minimal development. The disturbed property should be redeveloped in an environmentally sensitive fashion, including such elements as restoration of native landscapes where possible, preservation of riparian corridors, maximization of green space for public use without organized recreation, conservation of water, minimization of waste, protection of air quality by developing public transit accessibility on the K-10 Corridor, and utilization of energy-efficient and environmentally friendly building designs.

In our increasingly urban county, it is certainly possible that future generations of Kansans would be better served by turning the entire site into public parkland. In any case, in light of the uncertainties and the significant threat to both public health and the public purse should the remediation of this site not be completed in a timely, thorough fashion, we urge caution before deeming this site appropriate for early transfer.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Elaine Mann". The signature is fluid and cursive, with the first name "Elaine" being more prominent than the last name "Mann".

Elaine Mann

President, League of Women Voters of Johnson County

Attachment: LWVJOCO Position Statement on Sunflower Army Ammunition Plant





**THE LEAGUE  
OF WOMEN VOTERS  
OF JOHNSON COUNTY, KANSAS**

**Sunflower Army Ammunition Facility – Statement of Position**

In 2002/2003, the League of Women Voters of Johnson County undertook a land-use study of the Sunflower site. At the time of the study, the site was under federal control, and was being considered for transfer to another entity. The following consensus was developed on the use of that site.

**Planning Processes**

The League supports the following:

- that Johnson County have jurisdiction (land use/zoning) over any redevelopment at the Sunflower Army Ammunition Plant (SFAAP)
- that there be significant and broad-based input into the planning process for future development of SFAAP, to include non-governmental, community-based organizations
- that financial incentives be considered only on a case-by-case basis and only if schools are not negatively impacted (the League is reluctant to support tax incentives, given the attractiveness of the location)

**Remediation**

The League supports the following:

- that there be a guarantee for remediation of the site to the highest level (residential use standard) for future use, and before redevelopment
- that remediation work should be protective of air and water quality for humans and wildlife, both on and off the site
- that there be preservation of all undisturbed and uncontaminated areas of SFAAP as natural wild-lands, with public access but only minimal development

**Environmentally Sensitive Redevelopment**

The League supports environmentally sensitive redevelopment of the disturbed SFAAP property, including, but not limited to:

- restoration of native landscapes, where possible
- preservation of riparian corridors
- maximization of green space/natural wild-lands for public use (with no organized recreation)
- conservation of water by recycling, xeriscaping, storm water retention ponds, etc.
- minimization of waste
- protection of air quality by development of public transit accessibility on K-10 Corridor
- utilization of energy-efficient and environmentally friendly building designs and renewable energy sources



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Richard Caplan

March 14, 2003

U.S. Army Commander's Representative  
Attn: Tony Spaar  
De Soto, Kansas 66018

Re: Preliminary FOSET

The membership of the K-10 Association, Inc. is planning on holding a Sunflower Summit no later than April 15, 2003 to seek to reach a common vision for the most suitable method of proceeding on the redevelopment of the former Sunflower Army Ammunition Plant.

We expect to take a strong position at that summit that will reflect the common hopes and expectations of the members of the K-10 Association and its affiliated entities. We will communicate that position to you at that time.

Respectfully submitted,

  
Kurt von Achen, President

MAR 17 2003



**SHAWNEE MISSION  
PARK OFFICES**

7900 Renner Road  
Shawnee Mission, KS  
66219-9723

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**NATIONALLY  
ACCREDITED**



March 17, 2003

Mr. Tony E. Spaar  
Department of the Army  
Sunflower Army Ammunition Plant  
P.O. Box 640  
De Soto, KS 66018-0640

Re: Findings of Suitability for Early Transfer (FOSET)

Dear Mr. Spaar:

The Johnson County Park and Recreation District (District) appreciates the opportunity to provide comment on the referenced public document concerning the possible early transfer of the Sunflower Army Ammunition Plant (Plant) to Kessinger/Hunter Co. or other party.

The District has been attempting to acquire land within the Plant since 1989 either in fee simple title or lease hold interest. In correspondence to the General Service Administration dated February 23, 1999, the National Park Service determined that the application submitted by the District for a public benefit conveyance of surplus land at the Plant was the highest and best use of certain properties within the plant boundaries. The Johnson County Board of County Commissioners also approved and adopted a revision to the Johnson County Rural Comprehensive Plan on July 23, 1998, demonstrating a similar re-utilization of the Plant property. In addition, Senator Pat Roberts and Congressman Dennis Moore co-sponsored Public Law 107-314 (signed into law December 2, 2002) that recommended the transfer of significant land within the Plant to the District for future park, recreation, and open space uses.

If the Governor of Kansas determines that an early transfer to Kessinger/Hunter Co. is in the best interest of the State of Kansas, then the District will not oppose the early transfer as long as the Kessinger/Hunter proposal for re-development includes a similar amount of park land as previously approved.

Thank you for the opportunity to provide comment on the possible early transfer of land at the Plant. If this office can be of further assistance, please do not hesitate to contact me at 913 438-7275.

Sincerely,

William R. Maasen  
Planning & Development Manager

/bm

c District Board of Park and Recreation Commissioners  
Michael Meadors, Director of Parks and Recreation  
Don Jarrett, Johnson County Chief Counsel

MAR 17 2003



March 14, 2003

Tony E. Spaar, Commander's Representative  
Sunflower Army Ammunition Plant  
Department of the Army  
P.O. Box 640  
DeSoto, KS 66018-0640

RE: Sunflower Army Ammunition Plant - Comments on the Preliminary Finding of Suitability for Early Transfer (FOSET)

Dear Mr. Spaar:

On behalf of the more than 1600 members of the Kanza Group of the Kansas Chapter of the Sierra Club, I wish to submit the following comments on the Preliminary Finding of Suitability for Early Transfer (FOSET) on the Sunflower Army Ammunition Plant (Sunflower). The Kanza Group Executive Committee has reached the conclusion that early transfer of the Sunflower property is not appropriate, for the following reasons:

- \* The Army is progressing on and ahead of schedule with the clean up. Early transfer would not necessarily speed up the process and could actually delay remediation efforts.
- \* There are no assurances in the FOSET that the proposed mixed use of the property will be protective of human health and the environment. Indeed, given the nature of the contaminants, there is reason to doubt that this site will ever be suited for residential development.
- \* No deactivated military site of this size, with documented hazardous materials contamination, has been transferred without a comprehensive Environmental Impact Statement. We support completion of the EIS for Sunflower, before transfer of any part of this site.
- \* No deactivated military site has been transferred when hazardous chemicals of unknown quantity and unknown extent were present.
- \* Since some of the contamination in soils and groundwater has yet to be fully delineated, it is impossible to determine future costs of full remediation to residential standards.
- \* There must be legal assurances that local communities, Johnson County and/or the State of Kansas will be fully protected from future costs of remediation, as well as from any future litigation arising from damage to human health or the environment.

In summary, the Kanza Group is opposed to early transfer of the Sunflower property. It is our opinion that this property would be most valuable to the citizens of Kansas and most protective of human health and the environment, if remediation were completed before transfer and if the entire site were maintained as public parklands. Thank you for accepting these comments.



C. Elaine Giessel 913-888-8517  
Conservation Chair, Kanza Group of the Kansas Chapter of the Sierra Club  
11705 W. 101<sup>st</sup> Terrace  
Overland Park, KS 66214

[REDACTED]

March 10,

Commander's Representative  
Sunflower Army Ammunition Plant  
Attn.: Mr. Tony Spaar  
Dept. of the Army  
Sunflower Army Ammunition Plant  
P.O. 640  
DeSoto, Kansas 66018-0640

Dear Mr. Spaar

I am writing to you in opposition to granting a Finding of Suitability for Early Transfer as concerns the 9,065 acres of the Sunflower Army Ammunition Plant property. This property was previously used for the production of propellants for ammunitions and contains known and unknown quantities of hazardous materials.

Before a transfer is to be permitted a full assessment of the contamination should take place. This assessment should include a determination of the full extent of the contamination plus the nature of all contaminants.

Furthermore, an estimate should be made that reflects how much a complete clean-up will cost. A realistic time-line for remediation should also be developed.

Since this land is probably going to be developed for mixed or residential use, it is important for the public to know that this property will be safe after remediation. Since the extent and full impact of contamination may only be estimated and may never be totally remediated I would prefer to see and recommend that this property be transferred for park or prairie restoration purposes only.

Hurrying this process through use of a FOSET procedure is neither necessary nor recommended. For the health and safety of those now living in Johnson County and those who may live at the site of the plant in the future, allow there to be a full consideration of all aspects the contamination before a transfer is made.

Sincerely

*Tom Thompson*

Tom Thompson

MAR 11 2001



Dear Sir,

I have just received notification that a move is on to transfer title for Sunflower before the Army's required clean-up is complete.

I want to voice my strong opposition to such a move. The Army must be held accountable for the Sunflower land. No sale or transfer of the sight should be entertained until the clean-up is complete. The county and state have waited this long before becoming interested in the sight for tax purposes, so waiting a few more years should be no problem.

Paula Schnaer

[REDACTED]

Kathleen:

First, I apologize for inadvertently sending this email to you twice. The first time it was not properly titled or signed. I have now rectified that situation.

The Finding of Suitability for Early Transfer (FOSET) just released by the GSA should NOT be allowed. This FOSET is asking your approval to allow the transfer of title before the Army finishes its' legally required clean up of the site. Early release is unnecessary and negates needed processes from taking place. Please peruse the points listed below for arguments in opposition to the FOSET.

1. The Army is progressing on or ahead of schedule on the clean up. An early transfer would not speed up the process.

2. The FOSET would exempt the transfer of the most contaminated Sunflower land from the CERCLA defined covenants.

3. The FOSET would put KDHE as the lead agency instead of the EPA. The KDHE does not have the resources to guarantee the long-term stewardship of the cleanup or provide for the enforcement of the privately imposed deed restrictions that will be required, and state control eliminates the federally accommodated public participation element of the Army's cleanup.

4. The FOSET provides no information to the public regarding the "response action assurances" that are required by CERCLA Section 120, nor the precise contents of the deed that will transfer the site. These assurances must, with regard to the contamination at SFAAP: (a) provide for necessary restrictions on the use of the property to ensure the protection of human health and the environment; (b) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted; (c) provide that all necessary response action will be taken; (d) identify the schedules for investigation and completion of all necessary response action as approved by KDHE; and (e) provide that the Army (DOD) responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions.

5. It is a fact that a deactivated military site has never been transferred where hazardous chemicals of unknown quantity and involving contamination of unknown extent are present. This fact should be of significant concern to the taxpayers in Kansas who might wind up paying for the cleanup of this site.

6. It is also a fact that a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA (i.e., Environmental Assessment) adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by federal law. GSA has failed to live up to its obligations under NEPA.

7. The FOSET does not address the environmental impacts nor how they will be resolved. The costs to remediate SFAAP remain as uncertain as they have ever been. The FOSET does not provide a firm schedule for public scrutiny for any cleanup, and there is no report or study that clearly prescribes

what remedial measures are planned for implementation at Sunflower and what contingencies are being made in case whatever is being contemplated is later found to be inadequate. What happens when the cleanup cost exceeds estimates (which it does regularly)?

8. The FOSET allows the GSA to ignore their investigative obligations.

9. Costs from contaminants found in the future may need to be remedied and paid for by local, county, and/or state of Kansas.

10. The FOSET has no assurances for money for clean up, and no way for the public to be informed or involved. It would be very difficult for a private company to sell contaminated land until it is cleaned up. Even if a private company could find a buyer, that buyer would probably require the seller to pay the cost of cleanup or lower the purchase price to nearly nothing. Here, the polluter (Army) wants off the hook by inducing a private company to take the land at a bargain basement price, and allow a private company (Kessinger/Hunter) to sell off the uncontaminated parcels to pay for cleaning up the remaining parcels, take tax breaks for the public benefit conveyances.

11. GSA and the Army have again negotiated behind closed doors with Kessinger/Hunter just as they did with Oz. Although there is no theme park, this FOSET is the same type of land grab we saw before with Oz!

In short, Kathleen, it would be best if the Army returned the property to us in the most possible unblemished state that can be achieved with the cleanup process.

Regards,

Ms. Jan Payne



Commander's Representative  
sunflower army Ammunition Plant  
Attention: Mr. Tony E. Spaar  
Department of the army  
Sunflower army ammunition Plant  
Desoto KS 66018-0640

Dr. Mr. Spaar,

We have recently been made aware of GSA's intent to determine the Sunflower land between Lawrence and Overland Park/Olathe to be suitable for early transfer. As a taxpayer who attended several meetings concerning previous actions where the land was intended to be "purchased" by a Land of Oz theme park, we and our neighbors (Hidden woods-119th off Quivara) were relieved such intentions were halted. While there are certainly multiple reasons for blocking such actions, we were concerned about two major items:


- 1- Incomplete cleanup of contaminated land which would eventually be paid by local taxpayers when the land was originally intended for nation wide advantage (development of munitions).
- 2- Proper clean-up by the Army and returning the land to it's citizens for Kansas determination of use, such as the unbelievable need for additional park land intermingling with controlled development.

Please consider additional study concerning proper use of this quality area of land for slow, controlled development before such opportunities disappear.

Thank you for your consideration.

Sincerely,

Rod & Lynn McLennan



Some issues that need to be addressed:

1. The Army is progressing on or ahead of schedule on the clean up. An early transfer would not speed up the process.
  2. The FOSET would exempt the transfer of the most contaminated Sunflower land from the CERCLA defined covenants.
  3. The FOSET would put KDHE as the lead agency instead of the EPA. The KDHE does not have the resources to guarantee the long-term stewardship of the cleanup or provide for the enforcement of the privately imposed deed restrictions that will be required, and state control eliminates the federally accommodated public participation element of the Army's cleanup.
  4. The FOSET provides no information to the public regarding the "response action assurances" that are required by CERCLA Section 120, nor the precise contents of the deed that will transfer the site. These assurances must, with regard to the contamination at SFAAP: (a) provide for necessary restrictions on the use of the property to ensure the protection of human health and the environment; (b) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted; (c) provide that all necessary response action will be taken; (d) identify the schedules for investigation and completion of all necessary response action as approved by KDHE; and (e) provide that the Army (DOD) responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions.
  5. It is a fact that a deactivated military site has never been transferred where hazardous chemicals of unknown quantity and involving contamination of unknown extent are present. This fact should be of significant concern to the taxpayers in Kansas who might wind up paying for the cleanup of this site.
  6. It is also a fact that a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA (i.e., Environmental Assessment) adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by federal law. GSA has failed to live up to its obligations under NEPA.
  7. The FOSET does not address the environmental impacts nor how they will be resolved. The costs to remediate SFAAP remain as uncertain as they have ever been. The FOSET does not provide a firm schedule for public scrutiny for any cleanup, and there is no report or study that clearly prescribes what remedial measures are planned for implementation at Sunflower and what contingencies are being made in case whatever is being contemplated is later found to be inadequate. What happens when the cleanup cost exceeds estimates (which it does regularly)?
  8. The FOSET allows the GSA to ignore their investigative obligations.
  9. Costs from contaminants found in the future may need to be remediated and paid for by local, county, and/or state of KS.
  10. The FOSET has no assurances for money for clean up, and no way for the public to be informed or involved.
- It would be very difficult for a private company to sell contaminated land until it is cleaned up. Even if a private company could find a buyer, that buyer would probably require the seller to pay the cost of cleanup or lower the purchase price to nearly nothing. Here, the polluter (Army) wants off the hook by inducing a private company to take the land at a bargain basement price, and allow a private company (Kessinger/Hunter) to sell off the uncontaminated parcels to pay for cleaning up the remaining parcels, take tax breaks for the public benefit conveyances.
11. GSA and the Army have again negotiated behind closed doors with Kessinger/Hunter just as they did with Oz. Although there is no theme park, this FOSET is the same type of land grab we saw before with Oz!

Ashton Lawrence  
[REDACTED]

My opposition for Early Transfer (FOSET) for SFAAP is as follows:

1. The Army is progressing on or ahead of schedule on the clean up.  
An  
early transfer would not speed up the process.
2. The FOSET would exempt the transfer of the most contaminated Sunflower land from the CERCLA defined covenants.
3. The FOSET would put KDHE as the lead agency instead of the EPA. The KDHE does not have the resources to guarantee the long-term stewardship of the cleanup or provide for the enforcement of the privately imposed deed restrictions that will be required, and state control eliminates the federally accommodated public participation element of the Army's cleanup.
4. The FOSET provides no information to the public regarding the "response action assurances" that are required by CERCLA Section 120, nor the precise contents of the deed that will transfer the site. These assurances must, with regard to the contamination at SFAAP: (a) provide for necessary restrictions on the use of the property to ensure the protection of human health and the environment; (b) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted; (c) provide that all necessary response action will be taken; (d) identify the schedules for investigation and completion of all necessary response action as approved by KDHE; and (e) provide that the Army (DOD) responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions.
5. It is a fact that a deactivated military site has never been transferred where hazardous chemicals of unknown quantity and involving contamination of unknown extent are present. This fact should be of significant concern to the taxpayers in Kansas who might wind up paying for the cleanup of this site.
6. It is also a fact that a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA (i.e., Environmental Assessment) adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by federal law. GSA has failed to live up to its obligations under NEPA.
7. The FOSET does not address the environmental impacts nor how they will be resolved. The costs to remediate SFAAP remain as uncertain as they have ever been. The FOSET does not provide a firm schedule for public scrutiny for any cleanup, and there is no report or study that clearly prescribes what remedial measures are planned for implementation at Sunflower and what contingencies are being made in case whatever is being contemplated is later found to be inadequate. What happens when the cleanup cost exceeds estimates (which it does regularly)?




8. The FOSET allows the GSA to ignore their investigative obligations.

9. Costs from contaminates found in the future may need to be remediated and paid for by local, county, and/or state of KS.

10. The FOSET has no assurances for money for clean up, and no way for the public to be informed or involved. It would be very difficult for a private company to sell contaminated land until it is cleaned up. Even if a private company could find a buyer, that buyer would probably require the seller to pay the cost of cleanup or lower the purchase price to nearly nothing. Here, the polluter (Army) wants off the hook by inducing a private company to take the land at a bargain basement price, and allow a private company (Kessinger/Hunter) to sell off the uncontaminated parcels to pay for cleaning up the remaining parcels, take tax breaks for the public benefit conveyances.

11. GSA and the Army have again negotiated behind closed doors with Kessinger/Hunter just as they did with Oz. Although there is no theme park, this FOSET is the same type of land grab we saw before with Oz!

Warren Koeller



March 8, 2003

Commander's Representative,  
Sunflower Army Ammunition Plant  
Attn: Mr. Tony E. Spaar  
Department of the Army  
Sunflower Army Ammunition Plant  
PO Box 640  
De Soto, Kansas 66018-0640

and

Governor Kathleen Sebelius  
Office of the Governor  
Capitol, 300 SW 10<sup>th</sup> Ave., Ste. 212S  
Topeka, Kansas 66612-1590


I am writing to express my objection to the FOSET submitted by the Department of the Army regarding the Sunflower Army Ammunition Plant and urge that it not be approved. This is being submitted as public comment to the proposed FOSET.

The Army has reported that it is progressing on schedule with the cleanup and its scheduled completion is in approximately 8 years. This cleanup should remain the responsibility of the Army and EPA for three reasons:

1. An early transfer would not speed up the cleanup process.
2. The Army should be responsible to ensure that the cost of this cleanup be the burden of the Army and all taxpaying Americans. The contamination resulted from activities that benefited all Americans and the resulting cost should be shared. These behind the scene negotiations (without public review) benefit only the sole private company. The FOSET allows the Army to elude their cost by inducing a private company to take the land at a bargain basement price as well as allowing tax breaks for the private company. The FOSET allows the Army to collect this money to pay for the cleanup and thus "save the US taxpayer this money". However, the Army does not receive the predicted fair market value of that property after it is cleaned, thereby the federal, state, or local governments could lose significant revenue.
3. The transfer of responsibility from EPA to KDHE is flawed. The KDHE is being asked to provide oversight for contaminated land for which there is no environmental impact statement. The FOSET does not provide a report that clearly prescribes what remedial measures are planned and what contingencies will be in place to discover and resolve inadequate cleanup ensuring the protection of human health and the environment. In addition, KDHE does not have the resources to guarantee through oversight, investigation and enforcement that is necessary to ensure public health and environment.

I request that the current FOSET not be approved.

Sincerely,


  
John Seavertson, Ph.D.



Dear Governor,  
The Finding of Suitability for Early Transfer (FOSET) just released by  
the GSA should not be allowed.

This "early release" is unnecessary and reduces needed processes from  
taking place.

Thank you.

Dorethy Hancock  




February 20, 2003

Commander's Representative  
Mr. Tony E. Spaar  
Department of the Army,  
Sunflower Army Ammunition Plant  
P.O. Box 640  
Desoto, Kansas 66018-0640

Dear Mr. Spaar,

My name is Mike Ford. I reside at [REDACTED]

[REDACTED] I am writing in reference to the possibility of the Sunflower Ammunition Plant being transferred to public domain, prior to a full clean-up of the environmental liabilities at this former DOD site.

I feel that the State of Kansas does not have the ability whatsoever to fund the cleaning up at Sunflower. I feel that this area, if not fully cleaned up, would become a larger ecological mess, and this State would have no financial choice, except to go right back to the EPA, asking for help that would be passed on if this area went out of Federal jurisdiction. Therefore, I suggest that the area in question remains an intact tract of land.

My solution, as a Native American researcher, would be to have this land stay in Federal jurisdiction, and be transferred to the Federally-Recognized Shawnee Tribe of Vinita, Oklahoma. Sunflower Ammo Plant was treated away by the Kaw Tribe in 1825. The Plant area was part of the Shawnee Reservation until 1869. Indian-held lands are held in trust by the U.S. Department of Interior.

FEB 24 2003  
FLE

If the Sunflower area was to revert to the Shawnee Tribe of Oklahoma, under the Federal Surplus Land Act of 1949, the land would be transferred from the Department of Defense to the Department of Interior. The Shawnee Tribe could then apply for EPA clean-up funds from the Federal Government, and the area's contaminated sites could be brought up to a light-industrial level of use.

Laws like Section 106 of the National Historic Preservation Register, which includes the Traditional Cultural Properties Act, the Sacred Sites Act, and the Native American Graves Protection and Repatriation Act of 1990, all apply to the Sunflower Plant area. This is federal land, and Tribes like the Shawnee, and others, dwelled and travelled upon this land. Under Article One, Section Eight, Part Three, of the U.S. Constitution, Congress regulates the commerce of Indian Tribes. Not the State of Kansas. That's why Politicians like Congressman Moore and Senator Roberts are involved in this. The rest of these plans sound like the very kind of land speculation that drove the Shawnee People off of these lands 130 years ago. In conclusion, the Sunflower land needs to be held together, Federal Indian Law needs to be obeyed, and Federal funds are needed for cleaning. Let the Shawnee People put this area in trust, apply for clean-up funds, protect their cultural and historical concerns, and maintain a Bison herd on this land.

*Sincerely,  
Mike Ford*

Dear Mr. Spaar:

The Finding of Suitability for Early Transfer (FOSET) just released by the GSA should not be allowed. This "early release" is asking approval from Gov. Sebelius to allow transfer of title BEFORE the Army has finished its legally required cleanup of the site. "Early release" is unnecessary and reduces needed processes from taking place.

I oppose Opposition to Finding of Suitability for Early Transfer (FOSET) for SFAAP for these reasons.

1. The Army is progressing on or ahead of schedule on the clean up. An early transfer would not speed up the process.
2. The FOSET would exempt the transfer of the most contaminated Sunflower land from the CERCLA defined covenants.
3. The FOSET would put KDHE as the lead agency instead of the EPA. The KDHE does not have the resources to guarantee the long-term stewardship of the cleanup or provide for the enforcement of the privately imposed deed restrictions that will be required, and state control eliminates the federally accommodated public participation element of the Army's cleanup.
4. The FOSET provides no information to the public regarding the "response action assurances" that are required by CERCLA Section 120, nor the precise contents of the deed that will transfer the site. These assurances must, with regard to the contamination at SFAAP: (a) provide for necessary restrictions on the use of the property to ensure the protection of human health and the environment; (b) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted; (c) provide that all necessary response action will be taken; (d) identify the schedules for investigation and completion of all necessary response action as approved by KDHE; and (e) provide that the Army (DOD) responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions.
5. It is a fact that a deactivated military site has never been transferred where hazardous chemicals of unknown quantity and involving contamination of unknown extent are present. This fact should be of significant concern to the taxpayers in Kansas who might wind up paying for the cleanup of this site.
6. It is also a fact that a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA (i.e., Environmental Assessment) adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by federal law. GSA has failed to live up to its obligations under NEPA.

7. The FOSET does not address the environmental impacts nor how they will be resolved. The costs to remediate SFAAP remain as uncertain as they have ever been. The FOSET does not provide a firm schedule for public scrutiny for any cleanup, and there is no report or study that clearly prescribes what remedial measures are planned for implementation

at Sunflower and what contingencies are being made in case whatever is being contemplated is later found to be inadequate. What happens when the cleanup cost exceeds estimates (which it does regularly)?

8. The FOSET allows the GSA to ignore their investigative obligations.

9. Costs from contaminants found in the future may need to be remediated and paid for by local, county, and/or state of KS.

10. The FOSET has no assurances for money for clean up, and no way for the public to be informed or involved. It would be very difficult for a private company to sell contaminated land until it is cleaned up. Even if a private company could find a buyer, that buyer would probably require the seller to pay the cost of cleanup or lower the purchase price to nearly nothing. Here, the polluter (Army) wants off the hook by inducing a private company to take the land at a bargain basement price, and allow a private company (Kessinger/Hunter) to sell off the uncontaminated parcels to pay for cleaning up the remaining parcels, take tax breaks for the public benefit conveyances.

Thank you for your consideration.

Yours truly,  
Dirk Durant

[REDACTED]

Commander's Representative,  
Sunflower Army Ammunition Plant  
Attn: Mr. Tony E. Spaar  
Department of the Army  
Sunflower Army Ammunition Plant  
PO Box 640  
DeSoto, KS 66018-0640

Mr. Spaar:

I am writing to express my opposition to the FOSET that would transfer the Sunflower Plant's land to the state of Kansas, who would then give the land to the Kessinger-Hunter company. I believe the transfer would be a bad idea for several reasons.

1) Nobody knows the full extent of the contamination or how much it will cost to decontaminate the area. Trying to develop parts of the property is foolish given this uncertainty.

2) The Army contaminated the land at Sunflower and the Army should pay to clean it up. Giving the still-contaminated land to Kansas makes the state liable for a problem that it did not create.

3) The FOSET would make the Kansas Department of Health and Environment the lead agency supervising the clean-up, instead of the EPA. KDHE is significantly smaller than the EPA, has fewer human and monetary resources, and less experience monitoring projects the SFAAP. It makes no sense to remove the EPA as the lead agency.

4) The people of Kansas made clear during the controversy over the "Land of Oz" theme park that they want SFAAP to be cleaned up as a result of above-board, government-controlled action and not with back-room deals with private entities that may or may not be able to handle the long-term requirements of full decontamination.

Please do not adopt the FOSET. Thank you for your attention!

Sincerely,

Michael Campbell

[REDACTED]  
[REDACTED]  
[REDACTED]

MICHELINE Z. BURGER

ATTORNEY AT LAW  
302 EAST PARK  
OLATHE, KANSAS 66061

913-829-9118  
FAX 913-829-9185

February 27, 2003

Commander's Representative,  
**Sunflower Army Ammunition Plant**  
Attn: Mr. Tony E. Spaar  
Department of the Army  
Sunflower Army Ammunition Plant  
PO Box 640  
DeSoto, KS 66018-0640

and

Gov. Kathleen Sebelius  
Office of the Governor  
Capitol, 300 SW 10th Ave., Ste. 212S  
Topeka, KS 66612-1590

Re: FOSET Regarding the Sunflower Army  
Ammunition Plant

On behalf of myself, personally, and the citizens' action group, TOTO, Inc., I want to voice our objections to the FOSET submitted by the Dept. of the Army regarding the Sunflower Army Ammunition Plant and urge that it not be approved. I am also submitting the following as public comment to the proposed FOSET:

The Army is progressing on or ahead of schedule on the clean up. An early transfer would not speed up the process.

The FOSET would exempt the transfer of the most contaminated Sunflower land from the CERCLA defined covenants.

The FOSET would put KDHE as the lead agency instead of the EPA. The KDHE does not have the resources to guarantee the long-term stewardship of the cleanup or



provide for the enforcement of the privately imposed deed restrictions that will be required, and state control eliminates the federally accommodated public participation element of the Army's cleanup.

The FOSET provides no information to the public regarding the "response action assurances" that are required by CERCLA Section 120, nor the precise contents of the deed that will transfer the site. These assurances must, with regard to the contamination at SFAAP: (a) provide for necessary restrictions on the use of the property to ensure the protection of human health and the environment; (b) provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted; (c) provide that all necessary response action will be taken; (d) identify the schedules for investigation and completion of all necessary response action as approved by KDHE; and (e) provide that the Army (DOD) responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions.

It is a fact that a deactivated military site has never been transferred where hazardous chemicals of unknown quantity and involving contamination of unknown extent are present. This fact should be of significant concern to the taxpayers in Kansas who might wind up paying for the cleanup of this site.

It is also a fact that a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA (i.e., Environmental Assessment) adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by federal law. GSA has failed to live up to its obligations under NEPA.

The FOSET does not address the environmental impacts nor how they will be resolved. The costs to remediate SFAAP remain as uncertain as they have ever been. The FOSET does not provide a firm schedule for public scrutiny for any cleanup, and there is no report or study that clearly prescribes what remedial measures are planned for implementation at Sunflower and what contingencies are being made in case whatever is being contemplated is later found to be inadequate. What happens when the cleanup cost exceeds estimates (which it does regularly)?

The FOSET allows the GSA to ignore their investigative obligations.

Costs from contaminants found in the future may need to be remediated and paid for by local, county, and/or state of KS.

The FOSET has no assurances for money for clean up, and no way for the public to be informed or involved.

It would be very difficult for a private company to sell contaminated land until it is cleaned up. Even if a private company could find a buyer, that buyer would probably require the seller to pay the cost of cleanup or lower the purchase price to nearly nothing. Here, the polluter (Army) wants off the hook by inducing a private company to take the land at a bargain basement price, and allow a private company (Kessinger/Hunter) to sell off the uncontaminated parcels to pay for cleaning up the remaining parcels, take tax breaks for the public benefit conveyances.

GSA and the Army have again negotiated behind closed doors with Kessinger/Hunter just as they did with Oz. Although there is no theme park, this FOSET is the same type of land grab we saw before with Oz!

Again, we urge that the current FOSET not be approved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Micheline Burger', with a stylized, wavy line extending to the right.

Micheline Burger, Pres., TOTO, Inc.



March 8, 2003

Commander's Representative,  
Sunflower Army Ammunition Plant  
Attn: Mr. Tony E. Spear  
Department of the Army  
Sunflower Army Ammunition Plant  
PO Box 640  
De Soto, Kansas 66018-0640

and

Governor Kathleen Sebelius  
Office of the Governor  
Capitol, 300 SW 10<sup>th</sup> Ave., Ste. 212S  
Topeka, Kansas 66612-1590

I am submitting this letter as public comment to the proposed FOSET. I want to voice by objection to the FOSET submitted by the Department of the Army regarding the Sunflower Army Ammunition Plant and urge that it not be approved. The FOSET eliminates EPA's role as oversight agency and designates this responsibility to KDHE. A deactivated military site has never been transferred where hazardous materials of unknown quantity are present. Also, a deactivated military site of this size with documented hazardous materials contamination has never been transferred without an Environmental Impact Statement under NEPA. Neither the FOSET nor any other document prepared by GSA adequately addresses the potential adverse impacts of the transfer to the site, surrounding lands, or the community as required by law. A cleanup of this magnitude and complexity will be very difficult for KDHE to manage for two reasons. First, they have never provided oversight for such a complex and large project. Secondly, it is doubtful they have the appropriate resources to accomplish a thorough assessment, investigation, verification of remediation of contaminated sites to ensure the protection of human health of Kansas citizens and the surrounding environment.

The FOSET also leaves a privately owned developer (Kessinger/Hunter) as the entity in charge of funding the cleanup and hiring a contractor to do the cleanup. Kessinger/Hunter has never done a cleanup of this complexity and magnitude. The fact the FOSET does not address the environmental impacts nor how they will be resolved brings uncertainty to the remaining costs of the remediation and possible effects on human health and environment.

This FOSET brings forth the many problems involved with the OZ project. Trusting the health and environment of Kansas Citizens to a group of real estate brokers whose goal is to sell off the land piecemeal to maximize their profit is troublesome at best.

I respectfully submit that the current FOSET not be approved.

Sincerely,

  
Dr. Penny Seavertson



202 11 2013

site facilities are needed to support our research and extension education programs for the many and varied horticulture industries and forestland owners in the eastern third of the State of Kansas and the Kansas City area. It is important that we gain title to our 335-acre tract of ground to allow us to proceed with fund raising that will support our building program.

With that background, Kansas State University's position on the transfer of 9,065 acres of land through the State of Kansas to Kessinger/Hunter and Co., L.C. is as follows:

Kansas State University does not oppose the proposed land transfer agreement. The public notice clearly states that the developer would develop the former Ammunition Plant consistent with the Johnson County Comprehensive Land Use Plan (see attachment). We feel that this is both important and necessary.

Our second point is that if this land transfer proceeds, we request the land that has been identified and utilized by Kansas State University for its research, extension/education center be transferred through appropriate legal agreements by Kessinger/Hunter to the University. We have been assured by John Peterson, Counsel for Kessinger/Hunter, that this is their intent.

Since the Plant was declared in "excess", it has been a tortuous road in getting the Sunflower Army Ammunition Plant transferred out of the Department of Defense into appropriate ownership that will allow development of this site for the public good. If Kessinger/Hunter is identified as the site developer, we look forward to working collaboratively with them in this development effort. If you feel you need additional information from Kansas State University, please contact me.

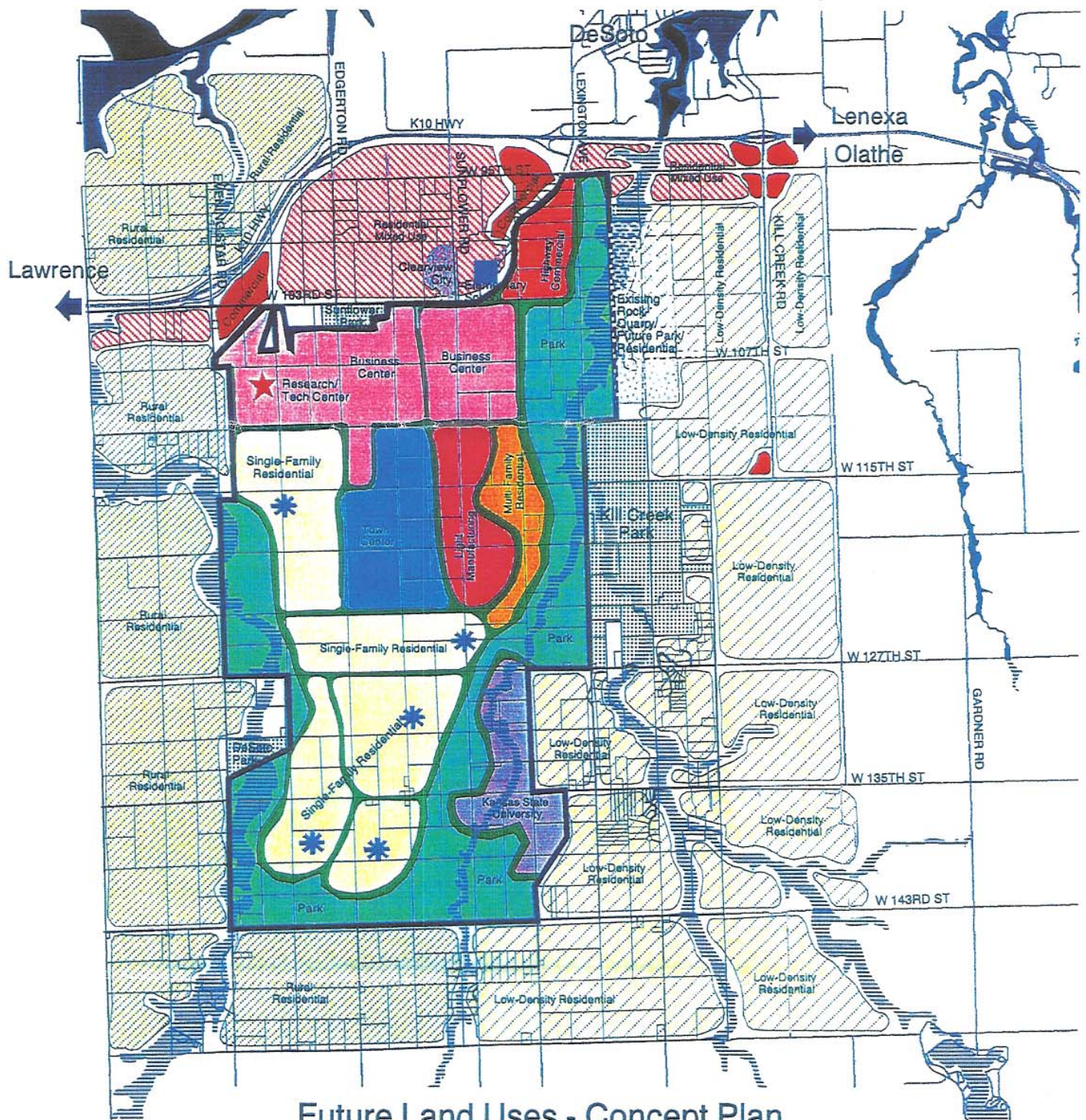
Sincerely,



Thomas M. Rawson  
Vice President for Administration and Finance





cc: Governor Kathleen Sebelius  
Susie Wolfe, Johnson County Commission (District 2)  
Marc Johnson, Dean College of Agriculture  
Thomas D. Warner  
Richard Seaton, University Attorney  
Sue Peterson, Asst. to the President/Director of Governmental Relations  
Alan Stevens, Center Director





## Future Land Uses - Concept Plan

### Surrounding Area\*

-  Low-Density Residential
-  Rural Residential
-  Residential Mixed Use
-  Commercial

\* Generally consistent with DeSoto and County Comprehensive Plans.

### Sunflower Site

-  Business Center
-  Highway Commercial
-  Town Center
-  Kansas State University
-  Light Manufacturing
-  Multi-Family Residential
-  Park
-  Single-Family Residential
-  Neighborhood Center

### Pedestrian/Bicycle Trails

 Streets

 Flood Plains

 FLOOD ZONE A

 FLOOD ZONE AD/AE/AR

 FLOODWAY



5280 0 5280 Feet

4/25/99